

REMARKS

I would like to address the issues concerning the rejections of Claims 1 and 2 as they pertain to the Patent Application No. 09/989/567.

Claim 1 and 2 are being rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,502,155 to Ito and U. S. Patent No. 4,502,154 to Ito.

Ito discloses a convertible garment useful as a jacket and a bag, wherein the jacket may be stored within the bag. The garment has a double layer of material forming the back panel of the jacket, the top layer having a mouth opening at the rear upper portion of the jacket. The back panel functions as an oversized pocket which, when turned inside out receives the entire jacket therein. The article has strings and/or drawstrings, which are threaded through the mouth of the pocket and are used as straps when the garment is converted to the tote bag function.

What Ito does not disclose in U.S. Patent No. 4,502,155 to Ito and U. S. Patent No. 4,502,154 to Ito is a convertible garment useful as a jacket and bag in which the jacket is also reversible. This disclosure can be found in Patent Application No. 09/989/567. Adding a reversible feature to the jacket is an improvement above the entire design disclosed by Ito in U.S. Patent No. 4,502,155 to Ito and U. S. Patent No. 4,502,154 to Ito as it conceals the sack opening without the use of fastening devices and conceals the identity of the sack portion itself. A reverse mode also increases the multiple function of the jacket. Again, this disclosure can be found in Patent Application No. 09/989/567.

Claim 1 is being rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,700,409 to De Lott.

De Lott discloses a convertible garment useful as a jacket and a bag, wherein the jacket may be stored within the bag. The garment has a double layer of material forming the back panel of the jacket, the top layer having a mouth opening at the rear upper portion of the jacket. The back panel functions as an oversized pocket which, when turned inside out receives the entire jacket therein.

What De Lott does not disclose in U.S. Patent No. 4,700,409 to De Lott is a convertible garment useful as a jacket and bag in which the jacket is also reversible. This disclosure can be found in Patent Application No. 09/989/567. The sheet of material that displays the sack portion opening found in Patent Application No. 09/989/567 (Fig. 5 of the drawing specifications) actually becomes the inner layer of the jacket when said jacket is worn in the reverse mode. Adding a reversible feature to the jacket is an improvement above the entire design disclosed by De Lott in U.S. Patent No. 4,700,409 to De Lott because it eliminates the use of fastening devices and the like while still securing that the opening of the said jacket is concealed and protected. This increases the multiple function of the jacket. Again, this disclosure can be found in Patent Application No. 09/989/567.

Although U.S. Patent No. 4,502,155 to Ito and U. S. Patent No. 4,502,154 to Ito and U.S. Patent No. 4,700,409 to De Lott share the same disclosure, both Ito and De Lott were awarded patents (Ito in 1983 followed by De Lott in 1987). However, it is clear that Patent Application No. 09/989/567 is an improvement above U.S. Patent No. 4,502,155 to Ito and U. S. Patent No. 4,502,154 to Ito and U.S. Patent No. 4,700,409 to De Lott due to the added

feature in which the convertible garment useful as a jacket and bag includes the versatility of the said jacket being reversible.

I'd further like to address the concerns of Claims 1 and 2 alternatively being rejected under 35 as being unpatentable over U. S. Patent No. 4,502,154 to Ito in view of U.S. Patent No. 4,502,155 to Ito.

Ito discloses a convertible garment useful as an outerwear garment and a bag, wherein the outerwear may be stored within the bag. The garment has a double layer of material forming the back panel of the jacket (Fig.3), the top layer having a mouth opening (2) at the rear portion of the jacket (Fig. 2). The back panel functions as an oversized pocket (7) which, when turned inside out as shown in Fig. 4, receives the entire jacket therein. The article has drawstrings (3, 4), which are threaded through the mouth of the pocket and used as rope like article when the garment is converted to the tote bag function, as in claim 2.

Concerning U.S. Patent No. 4,502,155 to Ito as it pertains to the present invention it must be stressed that Ito attaches a bag like structure to the back panel of the jacket with a second bag like structure attached to the first where as in the present invention of Patent Application No. 09/989,567 the sack portion of the jacket actually doubles as the back piece of the said jacket. It is because of this that it is mandatory that the opening to the sack portion be positioned across the shoulder blades as seen in Patent Application No. 09/989,567 Fig. 2 mouth opening 20 on the drawing specifications. The existing working prototype for Patent Application No. 09/989,567 confirms that since the sack portion of the jacket doubles as the back piece of the said jacket, the higher that the opening to the sack portion is positioned, the easier it is to deliver the jacket into the said sack portion when converting the jacket into a tote bag.

The obviousness of the position of the bag portion in U.S. Patent No. 4,502,154 to Ito and U.S. Patent No. 4,502,155 to Ito is also found in U.S. Patent No. 4, 700,409 to De Lott. The main concern involving the bag portion is not only the availability of storage space but also the overall protection concerning the opening of the bag portion, which is ignored by Ito in U.S. Patent No. 4,502,154. This issue is addressed in U.S. Patent No. 4, 700,409 to De Lott with the use of a closing devise to cover the opening. However Patent Application No. 09/989,567 as the present invention provides an overall improvement to resolve the issue of the use of a closing devises verses the non-use of closing devises by eliminating the need of any closing gadgets or structure as it pertains to the opening of the sack portion through the reversible function of the jacket which allows the opening to be concealed and completely protected.